

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Alexis Benson, on behalf of minor)	C/A No.: 0:22-614-SAL-SVH
child K.C., and Kevin Carberry,)	
Sr., on behalf of minor child, K.C.,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
Fort Mill Schools/ York County)	ORDER PARTIALLY VACATING
School District 4; Amy Maziarz;)	REPORT AND
Kristy Spears; Michele Branning;)	RECOMMENDATION
Anthony Boddie; Wayne Bouldin;)	AND RULE TO SHOW CAUSE
Scott Frattaroli; Celia McCarter;)	
Brian Murphy; James Epps;)	
Savannah Stager; Emma)	
Sheppard; LaVonda Williams;)	
Brittney Koback; Jennifer Grant;)	
and Douglas Dent,)	
Defendants.)	
)	

Alexis Benson and Kevin Carberry,¹ on behalf of their minor child, K.C.,² (“Plaintiffs”), proceeding pro se and in forma pauperis, filed this action alleging violations of K.C.’s constitutional rights and several other federal statutes. Pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civ. Rule 73.02(B)(2)(e)

¹ The undersigned notes that Kevin Carberry has not signed the complaint and is subject to dismissal on this basis alone.

² To protect the rights of the minor child, the court refers to him by the initials.

(D.S.C.), the undersigned is authorized to review such complaints for relief and submit findings and recommendations to the district judge.

On March 3, 2022, the court issued an order advising Plaintiffs that unless one of them is an attorney licensed to practice law in this court, they may not proceed pro se to represent their minor child. While Plaintiffs have the authority to litigate their own claims pro se, *see* 28 U.S.C. § 1654, they do not have the authority to litigate on another's behalf. *See Myers v. Loudoun Cnty. Pub. Schs.*, 418 F.3d 395, 401 (4th Cir. 2005) (“[N]on-attorney parents generally may not litigate the claims of their minor children in federal court.”); *Oxendine v. Williams*, 509 F.2d 1405, 1407 (4th Cir. 1975) (“[W]e consider the competence of a layman representing himself to be clearly too limited to allow him to risk the rights of others.”).

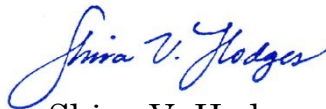
The court permitted Plaintiffs until March 24, 2022, to find counsel licensed in this court to represent K.C. Notwithstanding the court's order, Plaintiffs have not complied. On March 29, 2022, the undersigned issued a Report and Recommendation (“Report”) recommending the case be dismissed on this basis. This order vacates the Report to the extent it recommends dismissing the case, but does not alter the Report as to the finding that Alexis Benson and Kevin Carberry cannot proceed on behalf of the minor child. *Winkelman v. Parma City School Dist.*, 550 U.S. 516, 528-29 (2007) (holding that IDEA creates an independent claim for parents, but declining to rule that

the IDEA entitles parents to litigate their children's claims pro se). Plaintiffs may proceed on their own behalves.

Additionally, Plaintiffs are directed to show cause by **August 25, 2022**, why this case should not be consolidated with *Benson v. Fort Mill Schools/York County District 4*, C/A No. 0:22-1912-SAL-SVH.

IT IS SO ORDERED.

August 11, 2022
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge